Note:

The proposed amendment raises new issues that would require further consideration and/or search with respect to the replacement in claims 1 and 3 of "comprising a nucleotide sequence that has at least 96% identity over the full length thereof to…" with "comprising a nucleotide sequence of" and in claims 10 and 13 of "including a nucleotide sequence comprising", including new issues under 35 U.S.C § 112 first and second paragraphs, including issues of new matter and of indefiniteness.

***Response to Arguments***

Applicant's arguments have been fully considered to the extent that they pertain to the claims now of record but they are not deemed to be persuasive.

Applicant indicates that a new deposit declaration is provided with this Response. Yet no deposit declaration is submitted.

Therefore the rejections are deemed proper and it is adhered to.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Irene Marx/
Primary Examiner
Art Unit 1651